IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 789 OF 1998

IN

SUMMARY SUIT NO. 3293 OF 1998

Kiran Shah .....Plffs.
vs.
Bull Power Systems Ltd .....Defnds.

Nainesh Amin i/b. K.A. Sampat for the plffs.

Lata Bachani i/b. I.R. Joshi for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 13th September, 2005.

P.C. :.

1. The present suit is filed for the recovery of amount for the goods sold and delivered. There is an amount due and payable by the defendant to the plaintiff for sum of Rs.18.00 lacs and odd. Defendants are served with Summons for Judgment. The matter was adjourned sine-die because the defendant company was under BIFR. Learned counsel

for the plaintiff states that on inquiries on the website of the BIFR it has been found that the BIFR proceedings are concluded and winding up of is recommended of the defendant company. In that view of the matter protection under s.22 does not continue. The defendants have not filed any affidavit-in-reply. Learned counsel for the defendant states that they have no instructions in the matter inspite of repeatedly sending letters to the defendant.

2. In that view of the matter Summons for Judgment is made absolute. Decree is granted for Rs.18.00 lacs and odd with further interest at the rate of 12% p.a on the principal amount.

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